

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LYNN ROBLES,

Plaintiff(s),

v.

SNAP ADVANCES, LLC,

Defendant(s).

Case No. 2:20-CV-165 JCM (EJY)

ORDER

Presently before the court is defendant Snap Advances, LLC's motion to dismiss. (ECF No. 12). Petitioner has not filed a response to this motion, and the deadline has passed.

Plaintiff moves to dismiss because of the forum selection clause per the parties' agreement. (ECF No. 12). In relevant part, the agreement states that:

Seller and any Guarantor consent to the jurisdiction of the federal and state courts located in the State of Utah and County of Salt Lake and agree that such courts shall be the exclusive forum for all actions, proceedings or litigation arising out of or relating to this Agreement or subject matter.

(*Id.*).

Pursuant to Local Rule 7-2, an opposing party must file points and authorities in response to a motion and failure to file a timely response constitutes the party's consent to the granting of the motion and is proper grounds for dismissal. *See* LR IB 7-2(d); *United States v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979). However, prior to dismissal, the district court is required to weigh several factors: "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions." *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (citing *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)).

In light of plaintiff's failure to respond and weighing the factors identified in *Ghazali*, the court finds dismissal of plaintiff's complaint appropriate. The records reflect proper notice of

1 the motion, and respondent's actions demonstrate an awareness of this matter. Ample time has
2 passed since the response's deadline of July 21, 2020.

3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant Snap
5 Advances, LLC's motion to dismiss (ECF No. 12) be, and the same hereby is, GRANTED.

6 IT IS FURTHER ORDERED that plaintiff's claims be, and the same hereby are,
7 DISMISSED without prejudice to refiling in an appropriate forum.

8 The clerk is instructed to close the case accordingly.

9 DATED July 24, 2020.

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UNITED STATES DISTRICT JUDGE